

HOUSE BILL NO. 224

INTRODUCED BY ROSS, FACEY, GLASER, LAKE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING OPERATION OF A QUADRICYCLE WITHOUT A MOTORCYCLE ENDORSEMENT; AND AMENDING SECTIONS 61-5-102 AND 61-5-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-102, MCA, is amended to read:

"61-5-102. Drivers to be licensed. (1) Except as provided in 61-5-104, a person may not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license. A person may not receive a Montana driver's license until the person surrenders to the department all valid driver's licenses issued by any other jurisdiction. A person may not have in the person's possession or under the person's control more than one valid Montana driver's license at any time.

(2) (a) A license is not valid for the operation of a motorcycle ~~or quadricycle~~ unless the holder of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". ~~A motorcycle endorsement is required for the operation of a quadricycle.~~

(b) A license is not valid for the operation of a commercial motor vehicle unless the holder of the license has completed the requirements of 61-5-110, the license has been clearly marked with the words "commercial driver's license", and the license bears the proper endorsement for:

(i) the specific vehicle type or types being operated; or

(ii) the passengers or type or types of cargo being transported.

(3) When a city or town requires a licensed driver to obtain a local driving license or permit, a license or permit may not be issued unless the applicant presents a state driver's license valid under the provisions of this chapter."

Section 2. Section 61-5-110, MCA, is amended to read:

"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing programs. (1) Prior to examining an applicant for a driver's license, the department shall conduct a check of the applicant's driving record by querying the national driver register, established under 49 U.S.C. 30302, and the

1 commercial driver's license information system, established under 49 U.S.C. 31309.

2 (2) The department shall examine each applicant for a driver's license or motorcycle endorsement,
3 except as otherwise provided in this section. The examination must include a test of the applicant's eyesight,
4 a knowledge test examining the applicant's ability to read and understand highway signs and the applicant's
5 knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test
6 demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor
7 vehicle, ~~quadricycle~~, or motorcycle. The knowledge test or road test, or both, may be waived by the department
8 upon certification of the applicant's successful completion of the test by a certified cooperative driver testing
9 program, as provided in subsection (3).

10 (3) The department is authorized to certify as a cooperative driver testing program any state-approved
11 high school traffic education course offered by or in cooperation with a school district that employs an approved
12 instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic
13 education or any motorcycle safety training course approved by the board of regents and that employs an
14 approved instructor of motorcycle safety training and who agrees to:

15 (a) administer standardized knowledge and road tests required by the department to students
16 participating in the district's high school traffic education courses or motorcycle safety training courses approved
17 by the board of regents;

18 (b) certify the test results to the department; and

19 (c) comply with regulations of the department, the superintendent of public instruction, and the board
20 of regents.

21 (4) (a) Except as otherwise provided by law, a resident who has a valid driver's license issued by
22 another jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement
23 upon payment of the required fees and successful completion of a vision examination. In addition, a resident
24 surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any
25 examination required by federal regulations before being issued a commercial driver's license by the department.

26 (b) The department may require an applicant who surrenders a valid driver's license issued by another
27 jurisdiction to submit to a knowledge and skills test if:

28 (i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair,
29 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the
30 highway; and

(ii) the surrendered license does not include readily discernible adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

(c) When a license from another jurisdiction is surrendered, the department shall notify the issuing agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain the license from another jurisdiction for identification or other nondriving purposes, the department shall place a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return the marked license to the applicant."

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